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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,682	07/28/2000	Frank F. Roohparvar	400.008US01	3555

7590 03/19/2004
Fogg Slifer & Polglaze PA
P.O. Box 581009
Minneapolis, MN 55458-1009

EXAMINER

PEIKARI, BEHZAD

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 03/19/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/627,682

Applicant(s)

ROOHPARVAR, FRANK F.

Examiner

B. James Peikari

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) 27-33 and 35-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 27-33 and 35-38 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the subject matter of these claims is the same as that listed as Group II, in the restriction requirement mailed August 26, 2003, specifically, "Claims 3-26, drawn to a system utilizing flash memory, bi-directional connections and an SDRAM pin structure, among other features". For example, the subject matter of claim 27 corresponds to that of claim 5, the subject matter of claim 28 corresponds to that of claim 6, etc.

Claims 3-26 were nonelected without traverse and cancelled by applicant in Paper # 4, filed on September 25, 2003. Consequently, the submission of claims 27-33 and 35-38 comprising subject matter of a nonelected invention is not consonant in scope with the restriction requirement.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27-33 and 35-38 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Art Unit: 2186

Duplicate Claims

2. Applicant is advised that should claim 2 be found allowable, claim 34 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). They are informal and have improper margins.

Specification

4. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

5. The previous rejections under 35 U.S.C. 112, first paragraph, are withdrawn due to applicant's remarks submitted with the amendment of March 9, 2004. Applicant correctly noted Figure 32 such that each of the features of claims 1, 2 and 34 may be found in Figure 32 and in the upper right hand corner of Figure 1A.

Art Unit: 2186

Thus, applicant's citation of *Hybritech Inc. v. Monoclonal Antibodies, Inc.* is confusing, since this case pertains to situations in which not all of the claimed features are described in the disclosure.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,2 and 34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bacon et al., U.S. 5,440,632.

Bacon et al. teach computer system comprising:

- a memory controller (*control microprocessor 128*);
- a main memory bus (*memory bus 141*) coupled to the memory controller;
- and a synchronous non-volatile memory device (*Flash EPROM 134*) coupled to the main memory bus.

Bacon et al. teach the non-volatile memory having a command interface

(*multifunction control circuit 104*) comprising:

- a write enable connection (*WE*);
- a column address strobe connection (*CAS*), for column address strobe signals;

a row address strobe connection (RAS), to receive a row address strobe signals; and
a chip select connection (ACS) to receive a chip select signal.

Response to Amendment

8. The amendment and associated remarks filed on March 9, 2004 have been carefully considered but are not deemed to place the application in condition for allowance.

Specifically, applicant's traversal of the prior art rejection hinges entirely on the assertion that "Bacon et al. purports to teach an asynchronous Flash EEPROM". However, this is not the case at all. Nowhere in the Bacon et al. disclosure is the Flash EPROM disclosed as asynchronous.

Quite the opposite, the data transfers to the Flash EPROM in the Bacon et al. system are clearly shown to be synchronous:

- (a) Note the use of a synchronous detector 105 in column 7, line 7.
- (b) Note column 11, lines 45 et seq., which state "The microprocessor 128 time multiplexes the port C lines to be both address and data lines AD0-AD7 and applies them to a data latch 202 which maintains the address word while it reads data from the same lines. The address lines are applied to the address inputs A0-A15 of the internal memory 134, in FIG. 5 a 256k Flash EPROM (pages 0-3)." Time multiplexing is a synchronous activity.

Art Unit: 2186

(c) Note column 11, lines 63 et seq., which state "An address clock on line ACLK provides a clock signal to synchronize the transfer of data between the microprocessor 128 and MCC 104."

(d) Note column 12, lines 18 et seq., which state "The SMB comprises 4 input/output data lines SD0-SD3 and a serial clock line SCLK to time the communications. The memory controller 112 additionally provides a master clock".

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2186

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (703) 305-3824. The examiner is generally available between 8:00 am and 9:30 pm, EST, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached at (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

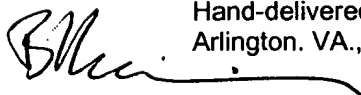
(703) 746-7239 (Official communications)

or:

(703) 746-7240 (for Informal or Draft communications)

or:

(703) 746-7238 (for After-Final communications)



Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

B. James Peikari
Primary Examiner
Art Unit 2186

3/15/04